



PATENT  
Attorney Docket 054160-5060-US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Tsuneji SUZUKI *et al.*

Application No. 10/049,666

Filed: February 15, 2002

For: Pharmaceutical Agent Comprising  
a Benzamide Derivative as Active  
Ingredient

Group Art Unit: 1615

Examiner: Amy E. Pulliam

**NOTICE OF APPEAL TO BOARD OF PATENT APPEALS & INTERFERENCES**


Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision dated December 30, 2003, of the Examiner finally rejecting claims 32 to 38.

The Commissioner is hereby authorized to charge **\$330.00** to Deposit Account No. 50-0310 for payment of the Notice of Appeal fee as set forth on the accompanying transmittal form.

**Except** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and § 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **constructive petition for extension of time** in accordance with 37 C.F.R. § 1.136(a)(3).

Dated: **June 30, 2004**  
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Respectfully submitted,  
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